



February 22, 2002

ENGROSSED SENATE BILL No. 410

DIGEST OF SB 410 (Updated February 20, 2002 1:18 PM - DI 106)

Citations Affected: IC 5-2.

Synopsis: Issues pertaining to the attorney general. Specifies that the office of the attorney general is a criminal justice agency and a law enforcement agency for purposes of the law concerning criminal history information.

Effective: July 1, 2002.

Bray

(HOUSE SPONSORS — DVORAK, FOLEY)

January 10, 2002, read first time and referred to Committee on Judiciary.
January 24, 2002, reported favorably — Do Pass.
January 29, 2002, read second time, ordered engrossed.
January 30, 2002, engrossed.
February 1, 2002, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

February 5, 2002, read first time and referred to Committee on Judiciary.
February 21, 2002, amended, reported — Do Pass.

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ES 410—LS 6882/DI 69+



February 22, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

ENGROSSED SENATE BILL No. 410

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-2-5-1, AS AMENDED BY P.L.238-2001,
2 SECTION 1, AS AMENDED BY P.L.272-2001, SECTION 1, AND
3 AS AMENDED BY P.L.280-2001, SECTION 1, IS AMENDED AND
4 CORRECTED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
5 2002]: Sec. 1. The following definitions apply throughout this chapter:

6 (1) "Limited criminal history" means information with respect to
7 any arrest ~~indictment, information, or other formal~~ criminal
8 charge, which must include a disposition. However, information
9 about any arrest ~~indictment, information, or other formal~~ criminal
10 charge which occurred less than one (1) year before the date of a
11 request shall be considered a limited criminal history even if no
12 disposition has been entered.

13 (2) "Bias crime" means an offense in which the person who
14 committed the offense knowingly or intentionally:

15 (A) selected the person who was injured; or

16 (B) damaged or otherwise affected property;

17 by the offense because of the color, creed, disability, national

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origin, race, religion, or sexual orientation of the injured person or of the owner or occupant of the affected property or because the injured person or owner or occupant of the affected property was associated with any other recognizable group or affiliation.

(3) "*Care*" means the provision of care, treatment, education, training, instruction, supervision, or recreation to children less than eighteen (18) years of age.

(4) "Council" means the security and privacy council created under section 11 of this chapter.

~~(4)~~ (5) "Criminal history data" means information collected by criminal justice agencies, the United States Department of Justice for the department's information system, or individuals. The term consists of the following:

(A) Identifiable descriptions and notations of arrests, indictments, informations, or other formal criminal charges.

(B) Information regarding ~~an~~ a sex and violent offender (as defined in IC 5-2-12-4) obtained through sex and violent offender registration under IC 5-2-12.

(C) Any disposition, including sentencing, and correctional system intake, transfer, and release.

(6) "*Certificated employee*" has the meaning set forth in IC 20-7.5-1-2.

~~(5)~~ (7) "Criminal justice agency" means any agency or department of any level of government whose principal function is the apprehension, prosecution, adjudication, incarceration, probation, rehabilitation, or representation of criminal offenders, the location of parents with child support obligations under 42 U.S.C. 653, the licensing and regulating of riverboat gambling operations, or the licensing and regulating of pari-mutuel horse racing operations.

The term includes the office of the attorney general. The term includes the Medicaid fraud control unit for the purpose of investigating offenses involving Medicaid. The term includes a nongovernmental entity that performs as its principal function the:

(A) apprehension, prosecution, adjudication, incarceration, or rehabilitation of criminal offenders;

(B) location of parents with child support obligations under 42 U.S.C. 653;

(C) licensing and regulating of riverboat gambling operations; or

(D) licensing and regulating of pari-mutuel horse racing operations;

under a contract with an agency or department of any level of

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government.

~~(6)~~ (8) "Department" means the state police department.

~~(7)~~ (9) "Disposition" means information disclosing that criminal proceedings have been concluded or indefinitely postponed.

~~(8)~~ (10) "*Foreign protection order*" has the meaning set forth in IC 34-6-2-48.5.

~~(9)~~ (11) "*Indiana order*" has the meaning set forth in IC 5-2-9-2.1.

~~(8)~~ ~~(10)~~ (12) "Inspection" means visual perusal and includes the right to make memoranda abstracts of the information.

~~(9)~~ ~~(11)~~ (13) "Institute" means the Indiana criminal justice institute established under IC 5-2-6.

~~(10)~~ ~~(12)~~ (14) "Law enforcement agency" means an agency or a department of any level of government whose principal function is the apprehension of criminal offenders. **The term includes the office of the attorney general.**

~~(11)~~ (15) "*National criminal history background check*" means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification.

~~(12)~~ (16) "*Noncertificated employee*" has the meaning set forth in IC 20-7.5-1-2.

~~(13)~~ ~~(14)~~ (17) "Protective order" has the meaning set forth in IC 5-2-9-2.1.

~~(14)~~ (18) "*Qualified entity*" means a business or an organization, whether public, private, for-profit, nonprofit, or voluntary, that provides care or care placement services, including a business or an organization that licenses or certifies others to provide care or care placement services.

~~(15)~~ ~~(16)~~ ~~(17)~~ (19) "Release" means the furnishing of a copy, or an edited copy, of criminal history data.

~~(16)~~ ~~(17)~~ ~~(18)~~ (20) "Reportable offenses" means all felonies and those Class A misdemeanors which the superintendent may designate.

~~(17)~~ ~~(18)~~ ~~(19)~~ (21) "Request" means the asking for release or inspection of a limited criminal history by noncriminal justice organizations or individuals in a manner which:

(A) reasonably ensures the identification of the subject of the inquiry; and

(B) contains a statement of the purpose for which the information is requested.

~~(20)~~ (22) "*School corporation*" has the meaning set forth in

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- 1 *IC 20-10.1-1-1.*
- 2 ~~(21)~~ **(23)** *"Special education cooperative" has the meaning set*
- 3 *forth in IC 20-1-6-20.*
- 4 ~~(15)~~ ~~(16)~~ ~~(22)~~ **(24)** *"Unidentified person" means a deceased or*
- 5 *mentally incapacitated person whose identity is unknown.*

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COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 410, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 410 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 9, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 410, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 12.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 410 as printed January 25, 2002.)

STURTZ, Chair

Committee Vote: yeas 10, nays 0.

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